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Department of Energy

Richland Field Office

P.O. Box 550

Richland, Washington 99352

NOV 6 1992

92-LLB-012

Ms. Dana A. Rasmussen
Regional Administrator
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Mr. Frederick A. Olson, Acting Director
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

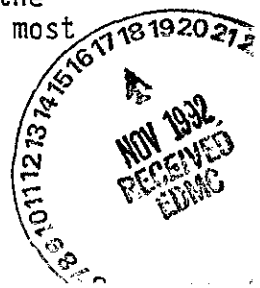
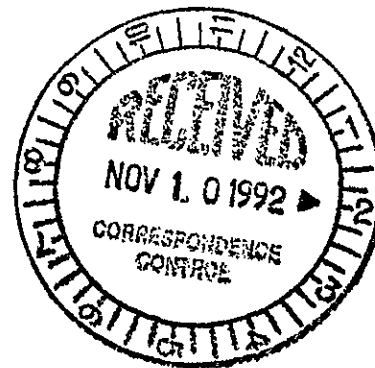
Dear Ms. Rasmussen and Mr. Olson:

DISPUTE RESOLUTION ON TRI-PARTY AGREEMENT CHANGE REQUEST M-01-92-01A

Pursuant to the Hanford Federal Facility Agreement and Consent Order (Tri-Party Agreement), Article XL, Paragraph 114, Extensions, the U.S. Department of Energy, Richland Field Office (RL), is notifying you that RL objects to the disapproval by the State of Washington Department of Ecology (Ecology) and the U. S. Environmental Protection Agency (EPA) of Tri-Party Agreement Change Request M-01-92-01A, "Technical Justification For Delay Of Grout Operations"; and RL hereby invokes its rights under the Disputes provisions of the Tri-Party Agreement.

In the letter formally denying Change Request M-01-92-01A, received on October 30, 1992, Ecology and EPA notified this office that it denied the change request based on timeliness. Ecology and EPA also rejected the technical arguments provided by the change request, indicating the issues raised were within RL's purview to quickly resolve or that the concerns raised were without real repercussions. RL objects to the reason of timeliness and the rejection of the technical arguments as the basis for that decision, and is so notifying you within the seven days allocated by the Tri-Party Agreement.

The technical arguments provided by Change Request M-01-92-01A are real technical issues facing RL. RL understands Ecology's position that, as petitioner, if grout is subsequently determined to be high level waste, RL will not be required to remove the grout from a vault. However, it continues to be RL's opinion that the position Ecology and EPA are now expressing is inconsistent with the position Ecology has taken in its petition before the NRC. This inconsistency by Ecology has placed the program at risk. If the NRC determines the grouted waste is not incidental waste, the grout vault most likely would not meet the requirements of 40 CFR 191. In addition, it



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would be contrary to sound public policy to proceed with grout disposal before an adequate performance assessment is completed that provides clear, substantiated documentation that the disposal of radionuclides in grout vaults is protective of human health and the environment and will meet the criteria developed by DOE for disposal of radioactive waste. Consequently, the Grout PA does require the extensive rewrite that DOE has directed the contractor to complete. Finally, the ability to pour good grout is essential in building the confidence of the Public that DOE can safely dispose of low level radioactive waste at Hanford. To this end, insuring the proper formulation of grout with a limited temperature rise due to heat of hydration, before running a campaign, is essential. Resolving these key issues and technical concerns are essential for the Grout Program to be a success.

In an attempt to promptly resolve this dispute informally, RL will initiate discussions with the Ecology and EPA Unit Managers. If these discussions can not resolve the differences, RL suggests a meeting of the Tri-Party Agreement Project Managers be held to discuss the approach the parties will pursue in resolving this dispute.

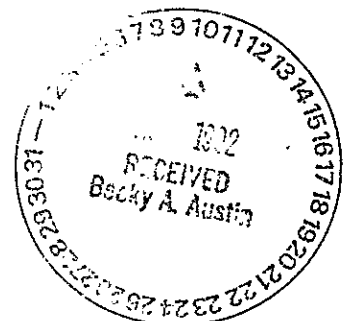
If you have any questions regarding this issue, you may contact Mr. George Sanders of my staff on (509) 376-6888.

Sincerely;

for  John D. Wagoner
Manager

DSD:LAH

cc: P. T. Day, EPA
D. Duncan, EPA
D. B. Jansen, Ecology
J. Witczak, Ecology
J. C. Tseng, EM-36
K. Chacey, EM-36
D. Mark, EM-36
J. L. Epstein, WHC
B. A. Austin, WHC
D. W. Lindsey, WHC



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Addressee

Correspondence No.

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D. A. Rasmussen, EPA
F. A. Olsen, Ecology

Incoming 9207559

Subject: DISPUTE RESOLUTION ON TRI-PARTY AGREEMENT CHANGE REQUEST M-01-92-01A

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